

## **Rapid Response Process**

### **A. General Provisions.**

**Contact List.** The Commission will establish a list of contacts for CLECs and Verizon to use for RRP purposes. The list will be found on the Commission's web page. The contacts on the list should be used when corresponding about a RRP case.

**Flexibility of Process.** The Commission expects the process outlined below will be followed. However, if particular circumstances warrant, the RRP Team (RRPT) will have the flexibility to adjust the process to accommodate particular timing or factual situations.

**Docketing of Complaints.** When a complainant files a complaint, it should caption both the e-mail and the complaint document as follows: RRP – complainant company name – date the complaint is filed. All correspondence and other references to a particular complaint should reference the original caption. Complaints will only be given a PUC docket number if the RRPT issues a written decision. Once the PUC docket number is assigned, all correspondence should reference that number, e.g. any appeals to the full Commission.

### **B. RRPT Authority and Process**

**Types of Cases.** The RRPT will have delegated authority from the Commission to hear cases that could be brought under 35-A M.R.S.A. § 1302. The RRP is intended to address disagreements among competing carriers regarding their obligations under the Telecommunications Act of 1996. The RRP will not address complaints which require Commission findings or decisions which would result in substantial changes to major legal determinations or policy matters.

**Necessity of Attempts to Informally Resolve Complaint.** When the RRPT receives a complaint, it will first evaluate whether the carriers have made sufficient efforts to resolve the dispute informally before bringing a formal complaint to the Commission. The RRP is not a substitute for a carrier's escalation process. The RRP does, however, recognize that the escalation process itself could be the subject of dispute and completing every step is not a prerequisite for initiating a complaint. There is no bright line test; it will be the judgment of the RRPT. Complainants should exhaust as many informal channels as is possible and appropriate under the specific circumstances before filing a complaint under the RRP.

**Preliminary Findings.** The RRPT will have authority to issue Preliminary Findings as outlined in 35-A M.R.S.A. § 1304 (5). A Preliminary Finding shall be defined as an order directing parties to take actions pending the final resolution of the proceeding. In determining whether to grant a preliminary finding, the RRPT shall consider the likelihood that the relief requested would be ordered at the conclusion of the proceeding, the benefit to the public or affected customers compared to the harm to the utility or other customers of issuing the order, and the public interest. In determining whether to grant preliminary relief, the RRPT will also consider the costs associated with complying with the Preliminary Finding and the willingness of the requesting party to reimburse all costs if the final decision is contrary to the Preliminary Finding. Either party may appeal an adverse Preliminary Finding to the full Commission.

**Motion to Dismiss or Defer.** The RRPT may dismiss or defer a complaint without prejudice and direct the parties to continue negotiations. The RRPT may indicate a date on which, if the parties have still not reached a resolution, the parties may refile the complaint with the RRPT. The RRPT may also determine that the issues in the complaint are policy issues that would be better served in the broader context of a Commission investigation. In that case, the RRPT will refer the matter to the Commission, and may also make a Preliminary Finding in the immediate case before the RRPT. Either party may appeal to the full Commission a RRPT decision to dismiss a complaint.

**Final Decision.** The RRPT will have delegated authority from the Commission to issue any order that could be issued under 35-A M.R.S.A § 1306. All Final Decisions issued by the RRPT must be memorialized in a final written Order and docketed.

**Appeal.** All parties will have the right to appeal a final RRPT decision to the full Commission. Any such appeal must be filed with the Administrative Director of the Commission within five (5) days of the date the RRPT Final Order is issued. The full Commission will then affirm, overturn or remand the RRPT decision.

All parties will have the right to appeal a final order by the full Commission pursuant to 35-A M.R.S.A § 1320.

**C. Penalties**

Upon Verizon Maine's willful failure to comply with an order issued by the RRPT (or an RRPT order affirmed by the Commission), the RRPT may recommend to the Commission, and the Commission may impose, penalties up to \$10,000 for the first occasion, up to \$20,000 for a second willful failure to comply with the Order and up to \$40,000 for any subsequent willful failures to comply with the same Order. Upon a CLEC's willful failure to comply with an order issued by the RRPT (or an RRPT order affirmed by the Commission), the RRPT may recommend to the Commission, and the Commission may impose, penalties of up to \$1,000 per day.

Any RRPT penalties paid by Verizon in a certain month will be deducted from the monthly cap level used for calculating any PAP penalties for the same month.

The filing of a complaint by the CLEC under the RRP constitutes the CLEC's consent to all provisions described above.

## **RRP PROCESS**

### Step 1

- Complainant calls the party with whom there is a dispute and gives notice that they are planning to file a complaint with the Commission Rapid Response Team the next business day.

### Step 2

At least 1 business day following Step 1

- Complainant files complaint electronically with RRPT. The email shall contain the appropriate caption for the complaint, and the actual complaint shall be a document attached to the email.
- A complaint shall contain sufficient information to indicate (1) the facts underlying the complaint; (2) the harm which is resulting or could result to the complainant due to the situation; (3) what specifically about the situation requires immediate redress; (4) steps which the parties have taken to resolve the situation prior to the filing of the complaint; (5) whether or not complainant is requesting a preliminary finding. The complaining party shall also indicate the times it will be available for a conference call on the 2<sup>nd</sup> business day after the complaint is filed. Copy of complaint is sent electronically to the RRPT and the responding party.

### Step 3

One business day following Step 2

- Responding party acknowledges the complaint and provides times when the party will be available for a conference call on the next business day. The party **may** respond to the factual issues in the complaint but is not required to do so. The responding party may also request that the complaint be dismissed or referred to the full Commission because it (1) is not ripe for review; or (2) is not a matter which should be addressed by the RRPT. The acknowledgement and any response shall be emailed to the RRPT and the complainant.
- The RRT will schedule a time for the Preliminary Conference Call within 2 business days.

- Step 4 Two Business days following Step 2
- Preliminary Conference Call. The following may occur:
    - Responding party may provide oral response to complaint;
    - Deadline established for written response, if appropriate;
    - RRPT may request additional information from each party and set a schedule for its production;
    - RRPT may schedule follow-up telephone conference among the parties;
    - RRPT may issue a Preliminary Finding or dismiss the complaint; either party may appeal to the Commission an adverse Preliminary Finding or dismissal;
    - The issue may be resolved to both parties satisfaction.
- Step 5 At a time determined by RRPT, a follow-up conference call will be held and the following may occur:
- Parties will update RRPT on progress since last call;
  - Parties will discuss information provided in response to any RRPT requests from Step 4;
  - RRPT may issue a Preliminary Finding or dismiss the complaint; either party may appeal to the Commission an adverse Preliminary Finding or dismissal;
  - The issue may be resolved to both parties satisfaction;
  - RRPT may request written comments and/or schedule a Notice of Decision Call.
- Step 6 If required by the RRPT, parties file comments at the appointed time.
- Step 7 If required by RRPT, a final conference call is held and the following may occur:
- RRPT hears closing argument from parties and issues oral decision.
  - RRPT hears closing argument from parties and schedules time for written decision.
- Step 8 Final written decision is issued. Unless Final Order is stayed by RRPT, the Final Order remains in effect pending appeal.

Step 9      Within 5 business days after written decision is issued, a party may:

- Appeal the Final Order to full Commission.
- Request a stay of the Final Order pending appeal.